

**United States Bankruptcy Court
Eastern District of Wisconsin
Local Bankruptcy Rules Committee
Federal Court House, Room 482
October 4, 2005 at 2:00p.m.**

In attendance: Tanya Trumm (telephone), Peter Blain, John Foscatto (telephone), Thomas King, Christopher Austin, David Asbach (Chair), Brett Pfeifer, Ralph Anzivino, Mary Grossman (Reporter).

The first matter considered was the whether anyone wanted further discussion of LR 4000.1, Preconfirmation Adequate Protection Payments, which was approved at the prior meeting. Nobody expressed an interest in any further discussion.

The committee next considered if there were any additional fast track rules that should be considered before October 17, 2005. None were identified.

Christopher Austin reported that the judges are still working on standing orders needed to implement BAPCPA.

The committee then discussed proposed LR 1007.4 presented by Chris Austin. Mr. Austin will make the following changes to proposed LR 1007.4:

- Require that information be provided to the trustee no later than 7 days before the Sec. 341 meeting rather than 10 days before the Sec. 341 meeting.
- Make the list of items to be provided to the trustee as set forth in LR 1007.4(a) applicable to chapters 12 and 13 as well as chapter 7.
- Strike all of LR 1007.4(b) and redesignate LR 1007.4(c) as LR 1007.4(b).
- Change redesignated LR 1007.4(b) to refer only to sections (a)(5) and (a)(6) and not to (b).

The committee decided to put off final consideration of proposed LR 1007.4 until David Asbach has had an opportunity to determine whether trustees must send the Domestic Support Obligation notices by a specific time.

The committee next addressed the proposed local rule regarding the information needed for a discharge. The committee specifically reviewed the suggested chapter 7 discharge affidavit. The following changes were recommended:

- Strike “in support of the trustee’s request for a discharge”
- Strike instructional course information set forth in #1.
- Change #5 to require completion of both a. and b. rather than a. or b.
- Add “Pursuant to 11 U.S.C. §522(q)(1),” to the start of #5.a.

Larry Liebzeit will make the changes to the chapter 7 discharge affidavit. The same or similar changes should apply to the chapter 13 affidavit. Mary Grossman will make the chapter 13 affidavit changes. Tom King will create a chapter 12 affidavit, and Peter Blain will look into the need for a similar chapter 11 affidavit.

The committee considered a change to LR 2016.1 to increase the presumed reasonable fee in chapter 13 cases from \$1,500 to \$2,500, as proposed by Brett Pfeifer. There was discussion of whether the presumed reasonable fee should be increased, whether the amount of the increase is appropriate, whether the services to be provided should be delineated, whether the amount of the fee should be tied to the use of a model plan, and whether there should be some kind of cost of living adjustment to the fee. Tom King, Mary Grossman and John Foscatto strongly supported an increase to \$2500. It was decided that the services to be provided for that \$2,500 should not be delineated as the current rule, which has generally worked well, does not spell out the services covered by the fee. Tying the amount of the fee to the use of a model plan and the possibility of a cost of living adjustment will be left for later amendment; consideration of these items would delay an increase in the fee. The final vote on the proposed LR 2016.1 was unanimous in favor, with 9 aye votes, no nay votes and no abstentions. Chris Austin will discuss the possibility of a standing order increasing the presumed reasonable fee with the judges so that the increased fee can be in place on October 17, 2005.

The next item for consideration was the proposed income directive rule. Mary Grossman withdrew the proposed rule from consideration by the committee. No one opposed the withdrawal.

Finally, the committee considered proposed LR 3001.1 regarding interest on secured claims. Mary Grossman will redraft the proposed rule with changes suggested by the committee.

The committee approved the minutes from the September 27, 2005 meeting.

The date, time and location of the next meeting will be determined.

The meeting adjourned at 4:00 p.m.

Minutes prepared by Mary B. Grossman.